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We the People

The Federal Government Gains Military Power

Article I, section 8 of the Constitution grants Congress the power to declare war, raise and support armies, provide and maintain a navy, and call forth, train and equip the militia. The President serves as commander-in-chief. The adoption of these provisions, after a heated debate on August 18, provides an important example of the shift to a strong national government.

"The federal government" under the Articles of Confederation, Governor Edmund Randolph of Virginia asserted to his fellow delegates, "could not check the quarrels between states, nor a rebellion in any." Further, it "could not defend itself against the encroachments from the states." Even more troublesome, "Congress not being permitted to prevent a war nor to support it by their own authority," could not defend the young nation.

Randolph labeled this situation the "ineffectuality of the Confederation." With the inability of Congress to deal with Shays's Rebellion in Massachusetts or the British occupation of the Northwest posts well within American soil clearly in mind, Randolph called for a strong national government with a "National Legislature" empowered "to call forth the force of the Union."

The Virginia Plan, submitted at the outset of the Constitutional Convention by Randolph, set the agenda for much of the debate which followed throughout the hot Philadelphia summer. This plan did not specify how the national government would exert its force, and not all delegates agreed with Randolph on the need for investing the new national government with wide military powers.

Elbridge Gerry of Massachusetts, who in September would enumerate the power of the proposed government "to raise armies and money without limit" as a reason for his refusal to sign the Constitution, voiced his dissent as early as June 8. The national power to veto state laws proposed in the Virginia Plan, Gerry observed, "would extend to the regulation of the militia, a matter on which the existence of a State might depend."

In the debate over the Virginia Plan on June 20, George Mason of Virginia framed basic questions concerning the relationship of the proposed new government's military power over the states. "Do you expect the militia will" be used to enforce the Constitution, he asked, "or do you mean to use a standing army? The first will never, against their own state, exert any power; and the latter may turn its arms against the government which employs them." "The most jarring elements of nature—fire & water themselves—are not more incompatible than such a mixture of civil liberty and military execution."

In late July the Convention progressed to the point where it would name a Committee of Detail to resolve the contradictions in the various motions adopted and to compile a draft constitution.

James McClurg of Virginia on July 20 asked that the Committee be instructed to give the president the power "to carry the laws into effect" through the use of either a national army or by "the command of the Militia, the only existing force." Rufus King of Massachusetts maintained that the Committee of Detail would have complete "discretionary power" to make such a decision on its own.

The Committee of Detail deemed both appropriate. Its draft provided for a standing army and for federal authority over the militia. When, on Aug. 18, the Convention debated the draft of Article I, section 8, which listed the powers of Congress, Elbridge Gerry "took notice that there was no check here against standing armies in time of peace," unlike the present situation where Congress "cannot of itself maintain an army." Gerry pronounced a peacetime army "dangerous" and proposed limiting such an army to a specified number—perhaps two or three thousand.

General Charles Cotesworth Pinckney of South Carolina asked Gerry sarcastically "whether no troops were to be raised until an attack should be made on us?" Jonathan Dayton of New Jersey observed "preparations for war are generally made in peace" and that a "standing force of some sort was unavoidable." The Convention agreed and defeated Gerry's motion without one state voting in favor.

The debate then turned to the militia, and George Mason moved to grant Congress "an additional power to make laws for the regulation and discipline of the Militia of the several States, reserving to the States the appointment of Officers." Mason, C.C. Pinckney, and others did not want to repeat the experiences of the Revolutionary War "in which dissimilarity in the militia of different States had produced the most serious mischiefs."

Oliver Ellsworth of Connecticut agreed that Congress needed some control over the militia, but "the motion of Mr. Mason went too far." He moved "that the militia should have the same arms and exercise and be under rules established by Congress 'when in actual service of the United States.'" The states, however, would never submit to uniform regulations for the militia. "Three or four shillings as a penalty will enforce obedience better in New England, than 40 lashes in some other places." Therefore, he would not remove "the whole authority over the Militia" from the states, because to do so would cause their consequences to "pine away to nothing after such a sacrifice of power."

The Convention had "come now," in John Dickinson's words, "to a most important matter, that of the sword." James Madison argued that if the national government could be trusted with the power to tax, it ought to be trusted with the power over the military. Elbridge Gerry, by now afraid of the vast accumulation of power in the national government, believed that if the powers of the purse (tax power) and of the sword (military power) were combined, "the plan will have as black a mark as was set on Cain." "He had no such confidence in the General Government as some gentlemen professed."

The Convention disagreed with Gerry, and it voted to centralize military authority. In this and in many other areas the Constitutional Convention erected a strong national government giving Congress powers it did not have under the Articles of Confederation.

Prepared by the Center for the Study of the American Constitution, Madison, Wis.

Berry's World



LEGAL

LEGAL NOTICE

NOTICE OF SPECIAL MEETING OF THE QUALIFIED VOTERS OF WAYLAND CENTRAL SCHOOL DISTRICT

Notice is hereby given that a special meeting of the qualified voters of the Wayland Central School District will be held at the Wayland Central School Gymnasium in said District on the 28th day of October, 1987 between the hours of 12:00 Noon and 8:00 P.M. The following propositions will be submitted for voter approval at said meeting:

PROPOSITION #1 RENOVATION, EQUIPMENT AND SITE WORK

Shall the following resolution be adopted to wit:

RESOLVED THAT THE BOARD OF EDUCATION OF THE WAYLAND CENTRAL SCHOOL DISTRICT IS HEREBY AUTHORIZED TO UNDERTAKE CERTAIN CAPITAL IMPROVEMENTS CONSISTING OF RENOVATION AND RECONSTRUCTION OF THE SCHOOL BUILDING COMPLEX WITHIN THE SCHOOL DISTRICT, TOGETHER WITH SITE IMPROVEMENTS AND

ACQUISITION OF ORIGINAL FURNISHINGS EQUIPMENT AND APPARATUS REQUIRED IN CONNECTION THEREWITH FOR SUCH RECONSTRUCTION AND THAT SUCH SUM OF \$3,190,000, OR SO MUCH THEREOF AS MAY BE NECESSARY, SHALL BE RAISED BY THE LEVY OF A TAX TO BE COLLECTED IN ANNUAL INSTALLMENTS; AND, IN ANTICIPATION OF SUCH TAX, DEBT OBLIGATIONS OF THE SCHOOL DISTRICT SHALL BE ISSUED.

PROPOSITION #2 CLASSROOMS, EQUIPMENT AND GYMNASIUM

Shall the following resolution be adopted to wit:

RESOLVED THAT THE BOARD OF EDUCATION OF THE WAYLAND CENTRAL SCHOOL DISTRICT IS HEREBY AUTHORIZED TO UNDERTAKE CERTAIN CAPITAL IMPROVEMENTS CONSISTING OF ADDITIONS TO, THE SCHOOL BUILDING COMPLEX WITHIN THE SCHOOL DISTRICT, INCLUDING, WITHOUT LIMITATION, THE ADDITION OF CLASSROOMS AND A NEW GYMNASIUM, TOGETHER WITH ACQUISITION OF ORIGINAL FURNISHINGS, EQUIPMENT AND APPARATUS REQUIRED IN CONNECTION

LEGAL

THEREWITH FOR SUCH CONSTRUCTION AND SCHOOL USE, AT AN ESTIMATED MAXIMUM COST OF \$4,310,000, AND THAT SUCH SUM OF \$4,310,000, OR SO MUCH THEREOF AS MAY BE NECESSARY, SHALL BE RAISED BY THE LEVY OF A TAX TO BE COLLECTED IN ANNUAL INSTALLMENTS; AND, IN ANTICIPATION OF SUCH TAX, DEBT OBLIGATIONS OF THE SCHOOL DISTRICT SHALL BE ISSUED.

BY ORDER OF THE BOARD OF EDUCATION OF WAYLAND CENTRAL SCHOOL DISTRICT

Roger W. George
Business Administrator
District Clerk

SCHOOL TAX COLLECTOR NOTICE

Notice is hereby given that the undersigned collector of school taxes in and for Dalton-Nunda Central School District, have received the tax roll and warrant for the 1987-88 school year, and that I will attend the following places on the dates and times specified for the purpose of receiving the taxes assessed upon such roll.

Collections at the NUNDA SCHOOL BUILDING, September 1, 1987 through October 31,

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1987, Mondays through Fridays, 12 noon until 2 p.m.
Payments may be made by mail and receipts will be returned. PLEASE ENCLOSE TAX NOTICE WITH PAYMENT. Penalty information: 1st thirty days - no penalty; 2nd thirty days 2%.

Linda McMaster
School Tax Collector
EO

NOTICE TO BIDDERS

In accordance with Highway Law Section 182, Sub. Section 5, the Town Board of the Town of Portage will receive bids for the sale of a 1964, 2000 Ford Tractor. The specs are as follows: Dual wheels, side mower 6' cut, 3-point lift, and live hydraulic. It may be seen for inspection Monday thru Thursday from 8:30 a.m. to 5:00 p.m. at the Town Highway Barn in Hunt. Sealed bids will be opened at a meeting to be held at the Town Hall, Sept. 10, 1987 at 8:00 p.m.

Bids should be in a sealed envelope marked "Bids for Ford Tractor", and will be received by the Highway Superintendent, Kenneth Holly, until 5:00 p.m. Sept. 9, 1987. The Board reserves the right to reject any or all bids received.

By Order of the Town Board of the Town of Portage
Oleath Kemp, Town Clerk
EM

Old Photo Album

THE WORLD'S GREATEST AERONAUTS AND BALLOON MANAGERS

Allen Balloon Exhibition Company

1877 - Fifty Years - 1927
Experience

2,400 Successful Ascensions to Our Credit

Balloons Filled in Fifteen Minutes



UP THEY GO — Reproduced here is the letterhead of The Allen Balloon Exhibition Co. and a photo from the family collection. Today, modern colorful balloons, with gondolas suspended beneath, float over Dansville. Many, many years ago the Allens soared aloft on trapeze bars rigged below home-sewn canvas bags filled with hot air. This photo was taken as a controlled fire inside filled one of their balloons in Central Park behind St. Paul's Lutheran Church. Indicated by the arrow (on left) is Comfort Allen while the other arrows point to his two sons ready for a trip into the sky. The boys, Edgar W. "Red" and Edward B. "Bill" Allen, began tandem balloon flights in 1913 after several solo ventures. Biggest extravaganza of the Allen era took place Aug. 8, 1894, when three of their hot air balloons were launched, simultaneously, from Dansville's Main Street. An estimated 8,000 people watched that spectacle. (Wilfred J. Rauber)

Yesteryears — A Look at History

Old Zimmerhackle — Observations, philosophy, humor and advice by Joseph W. Burgess, co-founder and editor of the Breeze before the turn of the century.

A Colorado lady has invented an arrangement that in case her clothing catches on fire, she can pull a string and all her clothing will fall off. This may be a good thing, but we would advise her to keep the string out of reach of small boys.

Not much sickness around these days, though many are troubled with an aggravating stomach problem, probably due to indulging in green corn, half-ripe fruit and other stomach-wrenching luxuries.

—1897—
Hay is now selling for \$7 a ton, and Dansville is still eating dollar potatoes.

The average boy would like just one more month of vacation but the school bell now proclaims that "now is the time."

Frederick LaRouette of Sparta and Sophia Hamsher of Ossian were married in St. Paul's parsonage by the Rev. V. M. Benson.

Registrar J. H. Smith informs us that the record for August for Dansville was seven births, four marriages and three deaths.

—1907—
The hardware stores of this village will close every night at 8 o'clock, except Saturdays.

Several wagon loads of gypsies pitched their tents on the Hugh McNair farm last Saturday but orders from Village President Adams prompted them to move on.

Postmaster J. B. Morey is laying out a new street just north of the Morey homestead. It will be four rods wide and run the entire length of the Morey farm, intersecting the Lackawanna Hill Rd. The street will be made straight as an arrow, trees will be planted on both sides and 80 lots will be placed on the market.

—1917—
W. J. Beecher's Studebaker six was stolen from Deuel's garage and later found in Towanda, Pa.

From the Groveland correspondent: Women as well as men are working on the state road. The work is progressing rapidly.

The new motor car to be operated over the D&M tracks has arrived and is being unpacked at the station.

The six men who have the honor of being the first to leave Dansville to serve their country are Rufus Gessner, James Vincent, Leo Johantgen, Charles Knapp, Carl Bastian and Martin Schledorn.

—1927—
The tallest hollyhocks reported to date are at the home of Mr. and Mrs. Frank Ott. One stalk reaches to a height of 12 feet and contains 135 blossoms.

Karl Middleton, local showman, has been engaged to costume the various historical episodes in connection with the Livingston County Historical Pageant to be

held Sept. 15.

Mrs. Irving Eschrich and Mrs. Walther Gunther had a very narrow escape from drowning Sunday afternoon at Conesus Lake when the boat in which they were riding capsized, throwing them into the lake. The fact that they are excellent swimmers was all that saved their lives.

—1937—
Joe Louis retains his world heavyweight championship by defeating Tommy Farr, the English challenger, in 15 rounds at Detroit.

The Shell Union Oil Co. has opened a new service station on the former Opera House site, corner of Church and Exchange Sts. It has been leased to Gordon Zangerle.

Dansville public schools will open Tuesday with six new teachers joining the faculty. They are Florence Coe, Ruth Tanner, Carl J. Frank, Ellis B. Hyde, Bonnavier Scott and Gertrude Fedder.

—1947—
Marco Frati will leave today to visit in his native Italy.

Dr. Laverne G. Wagner of Buffalo expects to open an office here for the practice of medicine about Sept. 15. He will rent the offices of Dr. F. R. Driesbach at 98 Main St. which have been unoccupied since Dr. Driesbach's retirement.

Nearly 200 Dansville area veterans cashed terminal leave bonds at the two local banks, according to officials. President Truman signed the bill last month authorizing the veterans to cash more than \$2 billion worth of bonds.

—1957—
A total of 2,330 public and parochial school students will answer the first school bell in Dansville next week.

Complaints about the privately-owned garbage collection service in Dansville mounted this week following a notice from the management of the service that all residents would be required to place their cans of garbage at the curb if they wished them picked up.

There have been no cases of Asiatic flu reported in North Dansville, according to Dr. Alden Townsend, health officer.

More than 70 Dansville High football candidates greeted Coach Al Burdick at the first practice. The Mustangs will open the season against Oakfield-Alabama.

—1967—
Several Red Cross Youth delegates have returned from a leadership conference in Manlius. Sponsored by Clara Barton Chapter were Cathy Carpenter, Nancy Whitford, Nancy Bill, Audet Price, James Wallace, Carolyn Vogt, Evelyn Clark, Donna Munson.

An orientation night has been scheduled for prospective Junior Chamber of Commerce members by the Dansville Jaycees, according to John Rauber, president. Three local members were delegates to a state training program on Long Island. They are Howard Gibson, James Buck and Frank Hoerner.

—1977—
The long faces you may encounter among children of school age this week reflects their realization that the days of summer are just about over. Another year of classroom activity in all Dansville schools begins next Wednesday.

Four bands will be featured at the fourth annual Jackson Hose Co. Oktoberfest which opens Friday night at the firemen's area of Rotary Field.

A quota of \$28,220 has been set for the Dansville United Fund campaign being launched this week.

Linnea Ann Stoll, daughter of Dr. and Mrs. John W. Stoll of Dansville, will graduate today from Arnot-Ogden Memorial Hospital School of Radiologic Technology in Elmira.

A large crowd turned out at Rotary Field Sunday afternoon to watch the second annual Bed Races sponsored by the Union Hose Co.

First contact drills of the pre-season began Tuesday for Dansville High football players who are preparing for a nine-game schedule which opens Sept. 16.

Ken Myers has been named director of a tennis tournament to be sponsored by the Sesame Circle of Noyes Memorial Hospital Auxiliary.

Milton Newton and Don Bartalo of Dansville won the masters doubles championship in the Hornell Invitational Tennis Tournament Sunday at the Maple City Park courts.

The Dansville Senior High School will open next Wednesday with an enrollment of 580 students, according to an announcement by Principal Donald Munson.

Mr. and Mrs. L. Howard Hartman have returned home from an eight-day trip to Munich, Germany.

Mr. and Mrs. Tom McEachern returned home this week after a trip to London, Paris and Munich, where they visited their son, Harry, who is stationed with the Air Force there.

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For Further Information
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